

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, NOVEMBER 1, 2001
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair
Bob Workman, Vice Chair
Larry Hudkins
Bernie Heier
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Ann Taylor, County Clerk's Office

The Staff Meeting was called to order at 8:16 a.m.

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, OCTOBER 25, 2001

MOTION: Heier moved and Hudkins seconded approval of the Staff Meeting minutes of October 25, 2001. Heier, Hudkins, Workman, Stevens and Campbell voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

A. Schedule a Staff Meeting

MOTION: Hudkins moved and Heier seconded approval of the addition to the agenda. Hudkins, Heier, Workman, Stevens and Campbell voted aye. Motion carried.

Board consensus was to schedule a Staff Meeting on Tuesday, November 6, 2001 at 12 p.m.

3 PHARMERICA CONTRACT - Larry Van Hunnik, Lancaster Manor Administrator

Larry Van Hunnik, Lancaster Manor Administrator, explained that PharMerica Pharmacy is seeking an addendum to their contract to cover the cost of replacement doses of medication, an expense not covered by Medicaid (see letter in the agenda packet). He said this is the third year of a three year contract and recommended denial of the request.

In response to a question from Stevens, Van Hunnik estimated the cost at \$4,000, annually.

Van Hunnik also reported that there has been improvement in PharMerica's quality control.

Board consensus was to set up a meeting with PharMerica representatives. The Chair and Commissioner Workman, liaison to Lancaster Manor, will represent the County Board.

4 REVIEW OF LANCASTER MANOR ADMINISTRATOR DUTIES - Larry Van Hunnik, Lancaster Manor Administrator

The Board reviewed the job description with Larry Van Hunnik, Lancaster Manor Administrator, and suggested additional clean-up language.

5 SPECIAL LEGISLATIVE SESSION - Gordon Kissel, Legislative Consultant; Dave Kroeker, Budget and Fiscal Officer; Larry Van Hunnik, Lancaster Manor Administrator; Dean Settle, Community Mental Health Center Director

Dave Kroeker, Budget and Fiscal Officer, reviewed *Special Session Legislative Session Impact to Lancaster County* (Exhibit A) and said the greatest impact will be to Lancaster Manor. The lowest level of care reimbursement will be reduced to the amount paid in assisted living, \$57.53 to \$64.44 per day from the current reimbursement of \$99.51 to \$121.18 per day, an estimated reduction of \$325,000 in Fiscal Years 2002 and 2003.

Larry Van Hunnik, Lancaster Manor Administrator, said the loss could be even greater, as estimates were based on June 2000 cost report figures.

Dean Settle, Community Mental Health Center Director, said funding has been withdrawn from a plan to fund and approve the substance abuse waiver under Medicaid and flex funds for substance abuse and mental health programs have been cut.

Gordon Kissel, Legislative Consultant, said the Nebraska Legislature's Appropriations Committee plans to make \$160 million in reductions during the Special Session, with an additional \$50 to \$60 million in reductions anticipated in January, 2002. He suggested that the County Board summarize its concerns in a letter to the Lancaster County senators and request a meeting with Governor Johanns.

MOTION: Hudkins moved and Workman seconded to authorize staff to draft a letter, in consultation with Dave Kroeker, Budget and Fiscal Officer, and Gordon Kissel, Legislative Consultant, to the Lancaster County senators and a separate letter to Governor Johanns, outlining the County's opposition to the proposed Medicaid cuts and to authorize the Chair to follow-up with telephone calls to Governor Johanns and Senators Foley and Beutler, members of the Appropriations Committee. Hudkins, Workman, Heier, Stevens and Campbell voted aye. Motion carried.

The Board asked Eagan to contact his counterpart in Douglas County and coordinate efforts.

Kissel also presented *Budget Recommendations, Ninety-Seventh Legislature Special Session* (Exhibit B).

PENDING LITIGATION - Doug Cyr, Deputy County Attorney

MOTION: Hudkins moved and Heier seconded to enter Executive Session at 9:32 a.m. for discussion of pending litigation. Hudkins, Heier, Workman, Stevens and Campbell voted aye. Motion carried.

MOTION: Hudkins moved and Workman seconded to exit Executive Session at 9:35 a.m. Hudkins, Workman, Stevens, Heier and Campbell voted aye. Motion carried.

ACTION ITEMS

A. Items for Monthly Meeting with Mayor Wesely

The following topics were suggested:

- O Malone Center
- O Legislative Issues

CONSENT ITEMS

- A. Vacation Request from Russ Shultz, Noxious Weed Control Authority Superintendent, for November 8 - 16, 2001
- B. Microcomputer Request, C#2001-360, \$1,623.20 from the Juvenile Detention Center Budget for 18 Emulation Software Licenses

MOTION: Heier moved and Stevens seconded approval of the Consent Items. Heier, Stevens, Workman, Hudkins and Campbell voted aye. Motion carried.

ADMINISTRATIVE OFFICER REPORT

A. Martin Luther King Breakfast, January 18, 2002

Commissioners will respond individually if they plan to attend.

B. Community Mental Health Center Van

Eagan said a lift will not be needed on the 15 passenger van the Community Mental Health Center has requested, as the van will be assigned to the Adams Street Center which has no physically disabled clients.

MOTION: Hudkins moved and Stevens seconded to accept the recommendation to purchase a van without a lift. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

C. Proposed Agreement for Regional Park and Open Space Authority (RPOSA)

The Board reviewed a draft of *Regional Park Open Space Authority, Interlocal Cooperation Agreement Between Lancaster County, Nebraska, City of Lincoln, Nebraska and Lower Platte South Natural Resources District* (see agenda packet). Board members expressed concern that the agreement does not meet the original intent of a cooperative effort.

6 REVIEW OF VETERANS SERVICE OFFICER DUTIES - Gary Chalupa,
Veterans Service Officer

The Board reviewed the job description with Gary Chalupa, Veterans Service Officer.

Chalupa also reviewed the following (Exhibit C):

- Staffing
- Budget
- Special Requests
- Office Space

7 A) INDUSTRIAL USE IN AGRICULTURAL (AG) ZONING DISTRICT; B) COMPREHENSIVE PLANNING MEETING WITH SURROUNDING COUNTIES; & C) LB 366, BUILDING PERMITS FOR RESIDENCES ON FARMSTEADS - Kathleen Sellman, Planning Director; Mike DeKalb, Planning Department; Chuck Zimmerman, Building and Safety

Industrial Use in Agricultural (AG) Zoning District

Mike DeKalb, Planning Department, presented a list of permitted uses in the Agricultural (AG) zoning district (Exhibit E). He said the Planning Department does not support a proposal to permit industrial or commercial uses in the AG zoning district but should the Board elect to allow it, the Planning Department would recommend that it be limited to uses that are related to or support the agricultural base of the County. DeKalb added that this issue may be part of the Comprehensive Plan discussions.

Hudkins said he had requested that language be prepared to allow a situation such as the metal fabrication shop that was located on Agricultural (AG) zoned property at North 14th Street and Rock Creek Road and had asked for research of other jurisdictions. He said he believes there are places in the County that are conducive to the development of employment centers.

Sellman said the Comprehensive Plan specifically directs industrial and commercial development to existing areas in the County's villages and towns.

Workman suggested tying a special permit to "home grown" businesses or light industrial uses of a certain size.

Campbell asked the Planning Department to check with Building and Safety to see what allowances are made for a "home business".

DeKalb suggested that the Board provide examples of uses it would like to accommodate.

Campbell said the Economic Development Task Force has looked at the issue of allowing commercial and industrial uses along traffic corridors and suggested that the Board review its recommendations.

In response to a question from Heier, DeKalb said mobile homes are addressed in several ways. He added that mobile homes could be impacted if the County decides to apply zoning regulations and require building permits for residences on farmsteads.

Heier suggested that consideration be given to changing 75 acres to 60 acres in:

County Zoning Resolution, Article 4, "AG" Agricultural District

4.009

14) Any community unit plan in the said "Agricultural" area shall contain a minimum of seventy-five (75) acres.

Comprehensive Planning Meeting with Surrounding Counties

The Board scheduled the meeting on November 29, 2001, from 12:30 p.m. to 2 p.m.

LB 366, Building Permits for Residences on Farmsteads

DeKalb explained that LB 366, which changed provisions relating to zoning by county boards and nonfarm buildings (Exhibit D), is enabling legislation. The bill provides that *counties shall determine whether nonfarm buildings used as residences shall be subject to a county's respective zoning regulations and permit requirements.*

Eagan noted that significant portions of the County are in the City's three-mile zoning jurisdiction and said LB 366 only applies to the County's zoning jurisdiction.

In response to a question from Hudkins, Chuck Zimmerman, Building and Safety, estimated permit costs at \$350 - \$650.

Hudkins asked Zimmerman to send comparative data for surrounding counties to the Board.

The Board directed the County Attorney's Office, Planning Department and Building and Safety to proceed in development of a fact sheet packet, indicating a preference that building code and frontage requirements be included.

Heier noted that the City is growing through acreages and asked whether permits can address the issue of sewer line connections.

DeKalb said it could probably be addressed through the subdivision regulations.

Village of Raymond Zoning Jurisdiction

DeKalb reported that Raymond Village Board has placed a proposed ordinance to cease enforcement of zoning and planning authority for the area west of the center line of Oak Creek on pending.

8 WILDROSE LANE - Don Thomas, County Engineer; Allan Abbott, City Public Works/Utilities Director

Don Thomas, County Engineer, requested authorization to schedule a resolution on the County Board of Commissioners Meeting agenda to initiate a study for the vacation of a portion of Wildrose Lane. He showed a video of early morning traffic on Wildrose and distributed copies of a chart of *Traffic Movement on Wildrose Lane, July 11, 2001, 6:00 A.M. - 6:00 P.M.* (Exhibit F). Thomas also circulated photographs showing the current condition of Wildrose Lane.

Thomas reported that Kawasaki Motors currently has 1,600 employees and plans to add approximately 500 with expansion. He said approximately 80 percent of the employees approach the plant from the east and the remainder come from the west. Thomas demonstrated how this traffic will flow with the proposed relocation of Wildrose Lane (see diagram in the agenda packet).

Heier asked, "Why can we not have both roads?"

Allan Abbott, City Public Works/Utilities Director, said the railroad will not agree to an additional crossing.

Thomas added, "I don't want to mimic two roads that do the same thing."

Hudkins said Wildrose Lane is in better condition than many county roads, has good sight distance and a regulated railroad signal in place and said it is unnecessary to make the local school buses, fire trucks and farmers go a half mile south and compete with the Kawasaki plant traffic. He also questioned the accuracy of traffic data and said he had proposed two southern routes, neither of which have been researched.

Hudkins presented a letter from Gene Neddenriep, Malcolm Public Schools Superintendent, (Exhibit G) asking that Wildrose Lane be retained in its current location. He said local residents are opposed to the relocation and requested a 30 day delay to allow time for additional public comment.

Board consensus was to schedule the resolution to initiate the vacation study on the November 27, 2001 County Board of Commissioners Meeting agenda.

The Chair exited the meeting at 11:55 a.m. and the Vice Chair assumed direction of the meeting.

9 REPLACEMENT VEHICLE FOR SHERIFF'S DEPARTMENT - Bill Jarrett, Chief Deputy Sheriff

Bill Jarrett, Chief Deputy Sheriff, reported that a cruiser vehicle was recently totaled in an accident. He reviewed *Lancaster County Sheriff's Office, Vehicles Purchased 2001-2002* (Exhibit H), noting \$14,870.23 remains in the department's vehicle budget. Jarrett requested that the insurance payment for the totaled vehicle (\$15,500) be added to the vehicle budget, providing \$30,370.23 for its replacement.

MOTION: Hudkins moved and Stevens seconded approval of the vehicle replacement request. Heier, Hudkins, Stevens and Workman voted aye. Campbell was absent from voting. Motion carried.

10 PENDING LITIGATION - Doug Cyr, Deputy County Attorney

Item moved forward on the agenda.

11 ACTION ITEM

Item moved forward on the agenda.

12 CONSENT ITEMS

Item moved forward on the agenda.

13 ADMINISTRATIVE OFFICER REPORT

A. Martin Luther King Breakfast, January 18, 2002

Item moved forward on the agenda.

B. Community Mental Health Center Van

Item moved forward on the agenda.

C. Proposed Agreement for Regional Park and Open Space Authority (RPOSA)

Item moved forward on the agenda.

D. Supplemental Nebraska Association of County Officials (NACO) Assessment (\$50) for the Southeast District Meeting

MOTION: Heier moved and Hudkins seconded approval. Stevens, Hudkins, Heier and Workman voted aye. Campbell was absent from voting. Motion carried.

14 DISCUSSION OF BOARD MEMBER MEETINGS

A. Lancaster County Fairgrounds Joint Public Agency - Heier, Workman

Heier reported that all of the bond funds have been expended. The next meeting will take place in six months.

B. Public Building Commission (Space Needs) - Campbell, Hudkins

Hudkins reported that the Human Services Department and Juvenile Drug Court will be moving into the former Election Commission Building, 555 South 9th Street. A conference room will also be constructed in that building.

The Chair returned to the meeting at 12:05 p.m. and assumed direction of the meeting.

C. Juvenile Detention Center Advisory Committee - Heier

No report was given.

D. Corrections Needs Assessment - Heier, Stevens

Stevens reported on the consultant's presentation.

Heier suggested that the remaining members of the judiciary take part in a site visit.

The Board asked Mike Thurber, Corrections Director, to draft a thank you letter to Judge Missouri, Administrative Judge of the Seventh Circuit Court of Maryland.

ADDITIONS TO THE AGENDA

C. Task Force on the Salt Creek Tiger Beetle

MOTION: Workman moved and Heier seconded to approve the addition to the agenda. Workman, Heier, Hudkins, Stevens and Campbell voted aye. Motion carried.

Campbell reported that Mayor Wesely is forming the Task Force on the Salt Creek Tiger Beetle and proposed that Workman serve as the representative from the County Board.

Hudkins suggested representation from the farming community.

15 ADJOURNMENT

MOTION: Workman moved and Heier seconded to adjourn the meeting at 12:23 p.m. Workman, Hudkins, Heier, Stevens and Campbell voted aye. Motion carried.